

# United States District Court

for the  
Eastern District of Missouri

United States of America  
v.

Derrick Selvy

Case No: 4:06CR00211 ERW

USM No: 33001-044

Date of Previous Judgment: 9/14/2006

(Use Date of Last Amended Judgment If Applicable)

Janis C. Good

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the Term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 46 months is reduced to 37 months

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 23

Amended Offense Level: 21

Criminal History Category: I

Criminal History Category: 1

Previous Guideline Range: 46 to 57 months

Amended Guideline Range: 37 to 46 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 9/14/2006 shall remain in effect.

IT IS SO ORDERED

Order Date: 03/19/2007



Judge's Signature

Effective Date: 03/19/2007

(if different from order date)

E. RICHARD WEBBER, U.S. DISTRICT JUDGE

Printed Name and title

# United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA

v.

DERRICK SELVY

## AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 4:06CR211ERW

USM Number: 33001-044

Janis C. Good

Defendant's Attorney

Date of Original Judgment: September 14, 2006

(Or date of last Amended Judgment)

### Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))  
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))  
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))  
☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 38)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3583(c) or 3583(e))  
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. §§ 3582(c)(1))  
☒ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))  
☐ Direct Motion to District Court Pursuant to ☐ 28 U.S.C. § 2255 or  
☐ 18 U.S.C. § 3559(c)(7)  
☐ Modification of Restitution Order (18 U.S.C. § 3664)

### THE DEFENDANT:

☒ pleaded guilty to count(s) ONE OF THE INDICTMENT ON 06/19/2006.

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
 which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
 after a plea of not guilty

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC 841(a)(1)	POSSESSION WITH INTENT TO DISTRIBUTE IN EXCESS OF FIVE GRAMS OF COCAINE BASE.	01/29/2006	ONE

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

SEPTEMBER 14, 2006

Date of Imposition of Judgment

*E. Richard Webber*

Signature of Judge

E. RICHARD WEBBER

UNITED STATES DISTRICT JUDGE

Name & Title of Judge

March 19, 2008

Date signed

DEFENDANT: DERRICK SELVYCASE NUMBER: 4:06CR211ERWDistrict: Eastern District of Missouri**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 37 MONTHS.

This is a sentence and judgment under retroactive amendment 706 to the United States Sentencing Guidelines Drug Quantity Table in § 2D1.1.

☒ The court makes the following recommendations to the Bureau of Prisons:

IT IS HEREBY RECOMMENDED that: 1) That the defendant be evaluated for mental health services for his previously diagnosed paranoid schizophrenic condition. 2) That he be allowed to participate in the 500 Hour Intensive Drug Treatment Program and 3) That he be placed at facility as close to St. Louis, Missouri as possible, provided these are consistent with the Bureau of Prisons Guidelines.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ a.m./pm on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal

☐ as notified by the Probation or Pretrial Services Office

**MARSHALS RETURN MADE ON SEPARATE PAGE**

DEFENDANT: DERRICK SELVYCASE NUMBER: 4:06CR211ERWDistrict: Eastern District of Missouri**SUPERVISED RELEASE**Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE YEARS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment

The defendant shall comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: DERRICK SELVY  
CASE NUMBER: 4:06CR211ERW  
District: Eastern District of Missouri

### ADDITIONAL SUPERVISED RELEASE TERMS

WHILE ON SUPERVISION, THE DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS THAT HAVE BEEN ADOPTED BY THIS COURT AS WELL AS THE FOLLOWING ADDITIONAL CONDITIONS:

1. THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE AND SUBMIT TO A DRUG TEST WITHIN 15 DAYS OF RELEASE ON SUPERVISED RELEASE AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER FOR USE OF A CONTROLLED SUBSTANCE.
2. THE DEFENDANT SHALL PARTICIPATE IN A DRUG OR ALCOHOL ABUSE TREATMENT PROGRAM APPROVED BY THE PROBATION OFFICE, WHICH MAY INCLUDE SUBSTANCE ABUSE TESTING, COUNSELING, RESIDENCE IN A COMMUNITY CORRECTIONS CENTER, RESIDENCE IN A COMPREHENSIVE SANCTIONS CENTER, RESIDENTIAL RE-ENTRY CENTER, OR IN-PATIENT TREATMENT IN A TREATMENT CENTER OR HOSPITAL. THE DEFENDANT SHALL PAY THE COSTS ASSOCIATED WITH SUBSTANCE ABUSE SERVICES BASED ON A CO-PAYMENT SLIDING FEE SCALE APPROVED BY THE UNITED STATES PROBATION OFFICE. CO-PAYMENTS SHALL NEVER EXCEED THE TOTAL COSTS OF SERVICES PROVIDED.
3. THE DEFENDANT SHALL ABSTAIN FROM THE USE OF ALCOHOL AND/OR ALL OTHER INTOXICANTS DURING THE TERM OF SUPERVISED RELEASE.
4. THE DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH PROGRAM AS APPROVED BY THE U.S. PROBATION OFFICE. THE DEFENDANT SHALL PAY FOR THE COSTS ASSOCIATED WITH TREATMENT BASED ON A CO-PAYMENT SLIDING FEE SCALE APPROVED BY THE U.S. PROBATION OFFICE. CO-PAYMENTS SHALL NEVER EXCEED THAT TOTAL COSTS OF SERVICES TREATMENT.
5. THE DEFENDANT SHALL PARTICIPATE IN A GED (OR HIGH SCHOOL EQUIVALENCY PROGRAM) IF NOT COMPLETED WHILE IN THE CUSTODY OF THE BUREAU OF PRISONS.

DEFENDANT: DERRICK SELVYCASE NUMBER: 4:06CR211ERWDistrict: Eastern District of Missouri**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on sheet 6

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	<u>\$100.00</u>	<u>WAIVED</u>	<u>NONE</u>

☐ The determination of restitution is deferred until \_\_\_\_\_, *An Amended Judgment in a Criminal Case (AO 245C)* will be entered after such a determination.

☐ The defendant shall make restitution, payable through the Clerk of Court, to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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Totals: \_\_\_\_\_

☐ Restitution amount ordered pursuant to plea agreement \_\_\_\_\_

☐ The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the. ☐ fine and /or ☐ restitution.

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: DERRICK SELVY  
CASE NUMBER: 4:06CR211ERW  
District: Eastern District of Missouri

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$100.00 due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, or ☐ E below; or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below; or ☐ F below; or
- C ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after Release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time: or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are made to the clerk of the court.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several  
Defendant and Co-defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):

- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1 ) assessment; (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest (6) community restitution.(7) penalties, and (8) costs, including cost of prosecution and court costs.



DEFENDANT: DERRICK SELVY

CASE NUMBER: 4:06CR211ERW

USM Number: 33001-044

UNITED STATES MARSHAL  
RETURN OF JUDGMENT IN A CRIMINAL CASE

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_

The Defendant was delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

- ☐ The Defendant was released on \_\_\_\_\_ to \_\_\_\_\_ Probation
- ☐ The Defendant was released on \_\_\_\_\_ to \_\_\_\_\_ Supervised Release
- ☐ and a Fine of \_\_\_\_\_ ☐ and Restitution in the amount of \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

I certify and Return that on \_\_\_\_\_, I took custody of \_\_\_\_\_  
at \_\_\_\_\_ and delivered same to \_\_\_\_\_  
on \_\_\_\_\_ F.F.T. \_\_\_\_\_

U.S. MARSHAL E/MO

By DUSM \_\_\_\_\_